IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.21076 of 2006

Dated: October 13, 2006

Between:

Muthumula Sanjeeva Reddy, So. Late Keshava Reddy,
Aged about 35 years, R/o. Komarolu village,
Komarolu Mandal, Prakasam District.

… Petitioner

And

The Project Coordinator, District Primary
Education Programme, Ramnagar, Ongole,
and others.

… Respondents

Order:

This Writ Petition has been filed seeking Mandamus to declare the action of the respondents in proposing to construct a room and wall for primary school across the 16' rastha of the petitioner in S.No.398/A of Komarolu village in Prakasam District as illegal and arbitrary.

2. Heard learned counsel for petitioner and learned Government Pleader for Education for the respondents.

3. Petitioner claims to have inherited ancestral property to an extent of Ac.0.71 cents in Survey No.398/A of Komarolu village, Komarolu Mandal, Prakasam District, which has been donated for constructing a school building and accordingly a school was constructed in the said land. It is stated that as the said school building is in dilapidated condition, further constructions were taken up and it is alleged that the respondents, for renovating the building, are proceeding to encroach the 16' road in S.No.398/A, through which the petitioner ingresses and egresses to his land in S.No.394.

4. On instructions, learned Government Pleader appearing for the respondents submits that constructions are being made in Government land and no encroachments, as alleged by the petitioner, have been made.

5. In view of the said submissions, the only question that arises for consideration in this case is whether the school building is being constructed in the land belonging to the Government or by encroaching into the 16' road as alleged by the petitioner. Having regard to the allegations made in the affidavit filed in support of the petition, except factual disputes, no other question arises for consideration in this petition and the remedy does not lie under Article 226 of the Constitution of India.

6. The Writ Petition is devoid of merits and is accordingly dismissed. However, it is open to the petitioner to avail remedies available to him under law. No order as to costs.

JUSTICE R. SUBHASH REDDY.

October 13, 2006
MRR